

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**VALERIE W. WAKEFIELD,**

**Plaintiff,**

**v.**

**JOY MINING MACHINERY  
COMPANY, a division of Harnischfeger  
Industries,**

**Defendant.**

**Civ. No. 05-79 Erie**

**ORDER OF COURT**

An initial case management conference was held in the above-entitled action on May 11, 2006. An Initial Case Management Order was entered indicating that fact discovery was to close on or before September 8, 2006. Paragraph 8 of that Order stated, "In accordance with LR 16.1.2(A)(4), a post-discovery status conference shall be held within thirty (30) days after the completion of discovery."

Upon motion of the parties fact discovery was extended first to October 10, 2006, and then to November 13, 2006. In our final Amended Case Management Order we set a Post-Discovery Status Conference for February 8, 2007 at 11:30 a.m., which will be rescheduled to coincide with the Court's Erie Trial Term as set forth below.

Defendants in this action have prematurely filed a motion for summary judgment. Pursuant to L.R. 16.2.B. dates for filing dispositive motions shall be entered in a final scheduling order at the post-discovery status conference or as soon thereafter as practicable. No post-discovery status conference has been held and no final scheduling order has been issued setting dates for the filing of dispositive motions. By filing their motion before our final scheduling order has been issued, Defendants will be unable to comply with the Court's order that requires movants to file a joint concise statement of material facts. While we will not strike the motion, we also will not require Plaintiffs to file a response until after the post-discovery status conference, and compliance with the final scheduling order.

The following Order is hereby entered.

AND NOW, to-wit, this 20<sup>th</sup> day of December, 2006, the following deadlines are set for the above-captioned matter:

1. The post-discovery Scheduling Conference set for February 8, 2007 at 11:30 a.m. is hereby rescheduled to Tuesday, January 23, 2007 at 11:00 a.m. before Judge Maurice B. Cohill, Jr., Courtroom A, Federal Courthouse, Second Floor, Erie, Pennsylvania. Counsel and unrepresented parties shall bring their calendars to the conference for scheduling purposes.
2. The parties should be prepared to discuss the following:
  - a. Settlement and/or transfer to an ADR procedure;
  - b. Any outstanding issues regarding the completion of expert discovery;
  - c. Estimated time for trial.
3. Each party not appearing *pro se* shall be represented by an attorney who shall have full authority to bind the party in all pretrial matters and shall have authority to discuss settlement of the action. Attorneys shall ensure that the parties are available for consultation in person or by telephone
4. The parties shall confer before the Post-Discovery Scheduling Conference to agree on proposed dates for the following:
  - a. Dates by which dispositive motions pursuant to Fed.R.Civ. P. 56 should be filed.
  - b. Dates by which each movant shall file its joint concise statement of material facts which combines the movant's concise statement of

material facts with the responsive concise statement;

- c. Dates by which *in limine* and Daubert motions and responses thereto should be filed;
- d. Dates for final pre-trial conference;
- e. Proposed Trial dates.

/s/ Maurice B. Cohill, Jr.

Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: Counsel of Record